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09/990,605

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Scott Montgomery

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EXAMINER

BAYAT, BRADLEY B

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

12/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/990,605

**Applicant(s)**

MONTGOMERY ET AL.

**Examiner**

Bradley B. Bayat

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 157-167 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 157-167 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/27/2007 has been entered.

### ***Status of Claims***

This case has been transferred to the current Primary Examiner. All prior office actions are incorporated herein by reference. This communication is in response to remarks and amendments entered on 9/27/2007.

- Claims 157-161 are amended.
- Claims 1-156 were previously canceled.
- New Claims 162-167 are added.
- Claims 157-167 are pending and presented for examination.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 157-167 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner has reviewed the specification and cannot find supporting language in the specification for the following amendments:

- “vendor controlled” centralized postage-issuing authority...”
- “...identification string is readable independent of the indicium...”
- “...transmit both the unique tracking identification string and the unique postage indicium...”
- “...unique postage indicium is associated with a digital signature...”

Applicant must provide by page and line number where support exists for the language noted above with regards to the submitted amendment. Otherwise, Applicant must amend the claims to delete the unsupported amendments.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

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application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 157-167 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5917,925 to Lewis J. Moore.**

As per claims 157 and 160, Moore clearly teaches a postage indicia generation system for implementation with a postal system, comprising;

*a vendor controlled* centralized postage-issuing computer system accessible to a plurality of end user computers, configured to generate and transmit a unique postage indicium to an end user computer upon request by the end user computer (See Moor abstract, column 3, line 56- column 9, line 20, column 20, line 59- column 10, line 24, column 13, lines 4-29 and lines 56-63, column 15, lines 20-36, column 16, lines 4-9 and line 66- column 17, lines 20, column 18, lines 2-8, column 24, lines 21- column 25, line 6, see Moor abstract, column 3, line 56- column 9, line 20, column 20, line 59- column 10, line 24, column 13, lines 4-29 and lines 56-63, column 15, lines 20-36, column 16, lines 4-9 and line 66- column 17, lines 20, column 18, lines 2-8, column 24, lines 21- column 25, line 6),

wherein the centralized postage-issuing computer system is configured to communicate with a centralized master tracking computer system and to receive a unique tracking identification string generated by the centralized master tracking computer system for application to a mail piece such that the tracking identification string is readable independent of the indicium (column 10, lines 1-24, column 14, lines 15-67, see columns 18 and 21),

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further wherein the centralized postage-issuing computer system is configured to associate the tracking identification string with the unique postage indicium, store the association in a database *and transmit both the unique tracking identification string and the unique postage indicium to the end user computer* (See Moor abstract, column 3, line 56- column 9, line 20, column 20, line 59- column 10, line 24, column 13, lines 4-29 and lines 56-63, column 15, lines 20-36, column 16, lines 4-9 and line 66- column 17, lines 20, column 18, lines 2-8, column 24, lines 21- column 25, line 6),

further wherein the centralized postage-issuing computer system is configured to enable a postal authority to verify postage on the mail piece by *transmittal of* the tracking identification string to the centralized postage-issuing computer system (See Moor abstract, column 3, line 56- column 9, line 20, column 20, line 59- column 10, line 24, column 13, lines 4-29 and lines 56-63, column 15, lines 20-36, column 16, lines 4-9 and line 66- column 17, lines 20, column 18, lines 2-8, column 24, lines 21- column 25, line 6) and ;

the centralized postage-issuing computer is configured to, upon receipt of the tracking identification string from the postal authority, retrieve the unique postage indicium from the database and transmit data corresponding to the unique postage indicium to the postal authority (See Moor abstract, column 3, line 56- column 9, line 20, column 20, line 59- column 10, line 24, column 13, lines 4-29 and lines 56-63, column 15, lines 20-36, column 16, lines 4-9 and line 66- column 17, lines 20, column 18, lines 2-8, column 24, lines 21- column 25, line 6; column 3, line 56- column 9, line 20, column 20, line 59- column 10, line 24, column 13, lines 4-29 and lines 56-63, column 15, lines 20-36, column 16, lines 4-9 and line 66- column 17, lines 20, column 18, lines 2-8, column 24, lines 21- column 25, line 6).

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As per claims 158-159 and 161-164, Moore discloses a postage indicia generation system for implementation with a postal system, further disclosing; submission of a data derived from one dimensional barcode, and validation of unique postage indicia and digital signature not applied to the mail piece (See Moore abstract, column 3, line 56- column 9, line 20, column 20, line 59- column 10, line 24, column 13, lines 4-29 and lines 56-63, column 15, lines 20-36, column 16, lines 4-9 and line 66- column 17, lines 20, column 18, lines 2-8, column 24, lines 21- column 25, line 6).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8 a.m.-6:30 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Bradley B. Bayat', with a long horizontal stroke extending to the right.

Bradley B. Bayat  
Primary Examiner  
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